

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ERMA EVANS

PLAINTIFF

VS.

CASE NO. 4:06CV00655 JMM

STATE FARM FIRE & CASUALTY CO.

DEFENDANT

ORDER

Pending before the Court are plaintiff's two Motions in Limine (#42 & #81), and defendant's Motion for Partial Summary Judgment (#72), Motion in Limine (#75), Motion to Exclude Partial Testimony of Diane Holloway (#76), Motion to Exclude Testimony of Byrd Sorrells, Jr., (#78) and Motion to Strike and/or Motion in Limine(#88).

I. Plaintiff's Motions in Limine

Plaintiff's Motion in Limine (#42) filed on December 21, 2006 seeking to exclude testimony and evidence regarding (1) her receipt of Social Security and other disability benefits; (2) her lawsuit against Jay Westbrook; (3) a truck she bought from her ex-husband after the fire loss and subsequent judgment based upon that truck; and (4) the use plaintiff made with the money she received based upon the fire loss is granted. This evidence is irrelevant based upon the Court's granting defendant's Motion for Partial Summary Judgment.

Plaintiff's Motion in Limine filed on March 2, 2007 (#81) seeking to exclude testimony and evidence regarding her lawsuit against Jay Westbrook is also granted for the reason stated above.

II. Defendant's Motions in Limine

Defendant's Motion for Partial Summary Judgment (#72) on plaintiff's claims for loss of rent, bad faith, punitive damages, slander, outrage, and negligence is granted in part and denied in part.

For the reasons stated by defendant, plaintiff's claims for bad faith, punitive damages, slander, outrage, and negligence are dismissed. For the reasons stated by plaintiff, her claim based upon loss of rent shall go forward.


Defendant's Motion in Limine (#75) filed on February 23, 2007 seeking to exclude testimony and evidence regarding its purported failure to comply with the Arson Reporting Immunity Act, codified at Ark. Code Ann. § 12-13-301 *et seq.* For the reasons stated by defendant, the motion is granted.

Defendant's Motion in Limine (#78) filed on February 23, 2007 seeking to exclude the testimony of Byrd Sorrells, Jr., is granted. Based upon the Court's ruling on the Partial Motion for Summary Judgment, Mr. Sorrells' testimony is irrelevant.

Defendant's Motion in Limine (#76) filed on February 23, 2007 seeking to exclude the testimony of Diane Holloway is denied based upon plaintiff's response to the motion.

The Court will defer until trial ruling on defendant's Motion to Strike and/or Motion in Limine (#88) filed on March 6, 2007 which seeks to exclude sixteen (16) photographs provided by plaintiff on March 1, 2007.

IT IS SO ORDERED THIS 8 day of March, 2007.


James M. Moody
United States District Judge